

EXHIBIT E

Kelsch, Iwona

From: O'Rourke, Michael
Sent: Monday, January 27, 2025 3:57 PM
To: Molly Long
Cc: SJ NEC MDL; MDL3026PLC@dicellolevitt.com; MJC-Enfamil@cov.com; Rob Hammers; Kaitlyn Yong
Subject: RE: Correspondence in Hoaglin v. Mead Johnson & Company, et al (24-cv-3548) (MDL 3026)

Counsel,

The subpoena to University of Cincinnati Medical Center was served on July 31, 2024, a month after Plaintiff's deadline for serving said subpoena under CMO 12. ECF No. 507, Sec. III.B.3. Plaintiff had 120 days during which to request records and enforce the subpoena. *Id.* at Sec. 6.a. Nearly six months have elapsed since the subpoena was served and you have still not provided Mead Johnson with any medical records for this infant. We are also not aware of any attempts during that period by you to enforce the subpoena. *Id.* at Sec. III.A.3; *id.* at Sec. III.B.5. Given the delay, we do not believe that an extension would be warranted, and we intend to proceed with a request for relief from the Court pursuant to CMO 12. *Id.* at Sec. 6.b.

Best,

Michael Andrew O'Rourke
Associate

Steptoe

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From: Molly Long <molly@hammerslawfirm.com>
Sent: Thursday, January 9, 2025 10:06 AM
To: O'Rourke, Michael <morourke@steptoe.com>
Cc: SJ NEC MDL <sjnecmdl@Steptoe.com>; MDL3026PLC@dicellolevitt.com; MJC-Enfamil@cov.com; Rob Hammers <rob@hammerslawfirm.com>; Kaitlyn Yong <kaitlyn@hammerslawfirm.com>
Subject: [EXTERNAL] RE: Correspondence in Hoaglin v. Mead Johnson & Company, et al (24-cv-3548) (MDL 3026)

Good morning, Counsel,

We would like to request a 45 extension to produce medical records for product identification. We have not received a response to our subpoena from the hospital despite our efforts to obtain records. We plan to file a motion to compel if we do not receive the records over the next few days.

Please let us know if you are agreeable to an extension until Monday, February 24, 2025. Thank you.

Regards,



Molly Long
Partner, Hammers Law Firm

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From: O'Rourke, Michael <morourke@steptoe.com>

Sent: Friday, January 3, 2025 11:22 AM

To: Rob Hammers <rob@hammerslawfirm.com>

Cc: SJ NEC MDL <sjnecmdl@steptoe.com>; MDL3026PLC@dicellolevitt.com; MJC-Enfamil@cov.com

Subject: Correspondence in Hoaglin v. Mead Johnson & Company, et al (24-cv-3548) (MDL 3026)

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Counsel,

The Complaint and Plaintiff Profile Form in the above-referenced matter do not specifically allege that the infant received a Mead Johnson product, nor has Plaintiff produced any medical records showing that a Mead Johnson product was fed to the infant in this case, as required by Case Management Order No. 12 (CMO 12), Section III.A.3. All cases that fail to demonstrate that Mead Johnson supplied the healthcare facility with the type of preterm infant nutrition administered to the infant must either "(a) dismiss or (b) amend the operative Complaint to dismiss Mead Johnson" within 120 days after the entry of the Order. CMO 12, III.C.6.a. CMO 12 was entered more than 120 days ago on May 6, 2024.

Accordingly, we ask that you immediately produce medical records identifying the Mead Johnson product fed to this infant or dismiss Mead Johnson. If you fail to do so by January 10, 2025, we intend to file a motion to show cause, as contemplated by CMO 12. III.C.6.B.

Thank you,

Michael Andrew O'Rourke
Associate

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